

Message Text

UNCLASSIFIED

PAGE 01 GENEVA 07466 301848Z

15

ACTION L-03

INFO OCT-01 IO-10 ISO-00 DHA-02 EUR-12 SAM-01 SP-02 SS-15

NSC-05 CIAE-00 DODE-00 INR-07 NSAE-00 PA-02 USIA-15

PRS-01 /076 W

----- 055058

R 301728Z SEP 75

FM USMISSION GENEVA

TO USMISSION USUN

INFO SECSTATE WASHDC 6080

UNCLAS GENEVA 7466

USUN FOR MOYNIHAN

STATE FOR RUNYON, L/HR

EO: 11652: N/A

TAGS: SHUM

SUBJ: EXECUTIONS IN SPAIN

1. INTERNATIONAL COMMISSION OF JURISTS (ICJ) OBSERVER MARTIN-ADARD, FORMER BANTONNIER GENEVA, AND AMNESTY INTERNATIONAL OBSERVER KURT MADLENER, SPANISH PENAL LAW SPECIALIST AT FREIBURG INSTITUTE OF COMPARATIV PENAL LAW, BOTH DEEPLY SHOCKED BY CONVICTION GARMENDIA AND OTAEGUI. ALLEGED PRINCIPAL FELON GARMENDIA WAS CONVICTED ON BASIS CONFESSION ALLEGDLY MADE WHEN SUFFERING BULLET WOUND THROUGH BRAIN. AS SOON AS ABLE SIGN HIS NAME HE DENED ALLEGED CONFESSIONS. AT TRIAL, WAS PATENTLY NOT IN FIT STATE TO BE TRIED. WAS NOT EVEN FORMALLY ARRAIGNED. STATE DOCTOR WHEN ASKED IF HE WAS INSANE REPLIED "NO TOTAL MNTE." GARMENDIA WAS REPRIVED BUT OTAEGUI EXECUTED. HIS ONLY PART WAS ALLEGED ACCESORY AFTER TH FACT BY SHELTERING GARMENDIA NIGHT AFTER ALLEGED OFFENSE. IN VIEW OUR OBSERVERS EVIDENCE DID NOT SUPPORT CONFESSIONS OF EITHER MAN.

2. CHRISTIAN GROBET, GENEVA BARRISTER KNOWN TO ICJ AS CAPABLE OBSERVER, ATTENDED TRIAL BAENA AND FOUR OTHERS ON BEHALF PARIS

UNCLASSIFIED

PAGE 02 GENEVA 07466 301848Z

BASED INTERNATIONAL FEDERATION FOR RIGHTS OF MAN. HE REPORTS THAT

DEFENDANTS NOT GIVEN FAIR TRIAL. ALSO CONVICTED ON BASIS ALLEGED CONFESSIONS. COURTREFUSED (A) TO HEAR ANY OF DEFENSE WITNESSES INCLUDING ALIBI EVIDENCE; (B) IDENTIFICATION PARADE; (C) ORAL EXAMINATION OF POST MORTEM DOCTOR; (D) ANY BALLISTIC EVIDENCE, IT NOT HAVING BEEN PROVED THAT FATAL BULLET CAME FROM GUN FOUND IN POSSESSION OF ONE OF ACCUSED.

3. IN VIEW ICJ, SUMMARY OF THESE TRIALS BY MILITARY COURTS VIOLATED EVEN CUSTOMARY SPANISH STANDARDS OF JUSTICE AND NOT COMPATIBLE WITH PRINCIPLES RULE OF LAW. ALSO DRAW ATTENTION DECREE 10-75 OF 26 AUG WHICH PROVIDES FOR EVEN MORE SUMMARY PROCEDURES IN MILITARY TRIALS AND DENIES ALL RIGHTS OF APPEAL IN VIOLATION ACCEPTED NORMS OF PENAL LAW. IT IS AN OFFENSE FOR ANY SPANIARD TO CRITICIZE THIS DECREE. SPANISH LAWYERS HAVE PETITIONED ICJ ON THIS. CONFERENCE OF EUROPEAN-AMERICAN SECTIONS OF THE ICJ RESOLUTION WAS CONDEMNING THE EXECUTIONS ON ABOVE GROUNDS. AMONG THOSE APPROVING RESOLUTIONS WERE PRESIDENTS OF THE SUPREME COURT OF AUSTRIA AND WEST GERMANY. SIGNED MACDERMOT, SECRETARY GENERAL, ICJ.

4. ABOVE REPORTED BY NIALL MACDERMOT, SECRETARY GENERAL, ICJ IN RESPONSE TO AMBASSADOR MOYNIHAN'S REQUEST AT HIS NEW YORK OFFICE.
DALE

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COURT PROCEEDINGS, EXECUTIONS, TERRORISTS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975GENEVA07466
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750339-0456
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975092/aaaaabfw.tel
Line Count: 84
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: RowellE0
Review Comment: n/a
Review Content Flags:
Review Date: 27 MAR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <27 MAR 2003 by MaustMC>; APPROVED <18 FEB 2004 by RowellE0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EXECUTIONS IN SPAIN
TAGS: SHUM, PFOR, SP, ICJ, (GARMENDIA, JOSE ANTONIO), (OTAEGUI, ANGEL)
To: USUN NEW YORK
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006